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10/575,715	04/13/2006	Daisuke Hayashi	2006_0554A	3253

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EXAMINER	
HARVEY, DAVID E	

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
12/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/575,715	HAYASHI ET AL.	
	Examiner	Art Unit	
	DAVID E. HARVEY	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-9,26,29-32,34-39,55,56,59 and 60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-9, 26, 29-32, 34-39, 55, 56, 59, and 60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. In response to the amendments and arguments filed 10/12/2010, the following is noted:

A) The examiner maintains that independent claim 1 is broad and would appear to be met by a computer controlled/implemented A/V signal editing system which:

1) Receives and records a main/primary video signal content;

2) Receives and records the associated main/primary audio wherein this main/primary audio signal content is stored in an "MXF" format; and

3) Receives and stores an additional annotation audio signal content in which:

a) This additional audio signal content is stored in a "WAVE" format;

b) An is associated with a specific "frame" of the video content.

The examiner maintains that, by associating the entire "annotation" with a single given frame of video, the annotation is inherently "out of sync" with respect to the continuous "time axis" of the main A/V content.

B) The examiner maintains that, within the A/V editing art, it was known to have stored the mains A/V content in the well known "MXF" format given the quality and precise synchronization that must be maintained there between **[U.S. Patent Document #2002/0164149 to Wilkinson is hereby cited in support of this position].**

C) The examiner likewise maintains that, within the A/V editing art, it was known to have stored the audio annotation information using the well known "WAVE" format given that high quality and precise synchronization is not needed **[U.S. Patent Document #2002/0089519 to Betz et al is hereby cited in support of this position (e.g., SEE paragraphs 0022, 0046, 0132)].**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al, and further view of US Patent Document #2002/0164149 to Wilkinson and US Patent Document #2002/0089519 to Betz et al.

I. The showing of King et al:

King et al been cited because it illustrates a "recording system" (e.g., @ Figure 1) which:

A) Implicitly ***receives*** "main" full motion video information (i.e. it must be received before it can be processed);

B) Implicitly ***receives*** additional voice-based annotation information to be added to the full motion video information (i.e., it must be inputted/received before it can be processed): and

C) Implicitly ***records*** the additional voice-based annotation information in a manner that relates respective ones of the voice based annotations to a specific frame/position of the full motion video information (i.e., the "indexed" multimedia information is "stored" as files) [e.g., Note lines 30-50 of column 6].

[e.g., SEE: lines 8-42 of column 6] [NOTE: lines 19-22 of column 1; lines 1-29 of column 2; lines 40-49 of column 5; and claims 3/1 and 9/1 of column 17]

Claim 31 differs from the showing of King et al only in that King et al does not describe the "main" information as including an audio component; i.e., it is described as being full motion video information.

II. The showing of Purnaveja et al:

Purnaveja et al has been cited for its showing of an audio and video (A/V) information recording system which included circuitry for annotating frame(s) of a "main" A/V information stream with additional annotation information. More specifically, as described and illustrated via Figures 3 and 4A, Purnaveja et al described recording system that included:

A) Circuitry [e.g., @ 317] ***for receiving and capturing the main A/V information***; [e.g., Note: lines 64-67 of column 5; and lines 1-30 of column 6]

B) Circuitry [e.g., @ 318] ***for receiving additional annotation information to be "added to" (e.g., associated with) the main A/V information***; [e.g., Note: lines 20-26 and 59-66 of column 2; lines 31-67 of column 6; and lines 1-59 of column 7]; and

C) Circuitry [e.g., @ 220] ***for recording the main A/V information and the "added" additional annotation information so that the added information is related to specific time/frame positions of the A/V information.*** [e.g., Note: lines 59-66 of column 2; and lines 15-23 and 40-51 of column 7].

For the record, it is noted that claim 31 differs from the showing of Purnaveja et al only in that Purnaveja et al does not describe the additional annotation information as being inclusive of "audio/voice" type annotations (e.g., of the type described in King et al).

III. Obviousness:

The following positions are taken:

A) The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the system disclosed by King et al to have added a "main" audio information component to the "main" video information components given that Purnaveja et al evidenced such to have been known and desirable in such a media annotating environment [Note that the moving picture information in King et al is described as being a "movie" (line 8 of column 6) and that such movies conventionally includes an associated audio component representing the soundtrack];

B) While the examiner maintains that the recited "steps" of claim 31 are implicitly performed by the system disclosed by King et al, for completeness, it is noted that Purnaveja et al likewise evidenced such steps to have been conventionally performed by corresponding structure in conventional media annotating environment; i.e., such being at least obvious with respect to the King et al showing.

C) As discussed above in paragraph 1 of the Office action, the examiner content that amending claim 31 to recite respective MXF and WAVE signal format fails to distinguish the claim over the prior art being that:

1) As evidenced by Wilkinson, it was known to have been advantageous to have stored the main audio and main video content in a MXF format; and

2) As evidenced by Betz et al, it was known to have been advantageous to have stored audio annotations for A/V content in a WAVE format.

That is, the examiner maintains that it would have been obvious to have further modified the showing of King et al and Purnaveja et al accordingly to obtain like advantages.

4. Claims 32-35, 37-39, 55, 56, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al, and further view of US Patent Document #2002/0164149 to Wilkinson and US Patent Document #2002/0089519 to Betz et al, for the same reasons that were set forth above for claim 31. Additionally:

A) With respect to claim 32:

e.g., Note: lines 30-50 in column 6 of King et al; and lines 62-66 in column 2 of Purnaveja et al.

B) With respect to claim 33:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al.

C) With respect to claim 34:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al. (the examiner maintains that the recited "clip" terminology is undefined by the claim and broadly reads on the "main" stream of the prior art)

D) With respect to claim 35:

In the modified system of King et al, any selected frame can be annotated (including the first). Thus, the recitation of the "first" frame is considered little more than a recitation of intended use (i.e., it lacks criticality).

E) With respect to claim 37:

The examiner takes Official Notice that it was notoriously well known in the art for storage devices (i.e., disk drives) to have comprised a plurality of storage mediums. The examiner maintains that it would have been obvious to one of ordinary skill in the art for the required storage device in the modified system of King et al to have comprised such a conventional configuration. The recited "dividing" broadly reads on the storing of respective "files" in successive recording and annotating procedures.

F) With respect to claim 38:

The recording processes in the modified system of King et al must necessarily be terminated, i.e., "together", at some point in time for the respective files to be generated as described (e.g., additionally the modified system would be inoperative if a single recording procedure went on forever).

G) With respect to claim 39:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be of a different/lower sampling rate.

H) With respect to claim 55:

SEE: Figure 3 of King et al (note lines 31-63 of column 6); and the display @ "13" in Figure 1 of King et al. Additionally, note Figure 6 of Purnaveja et al.

I) With respect to claims 56 and 59:

See Figures 3 of King et al (note lines 31-63 of column 6).

J) With respect to claim 60:

See Figures 3 of King et al.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al. for the same reasons that were set forth above for claim 55. Additionally:

The modified system of King et al is controlled by a "controller"/CPU [i.e., see element "10" in Figure 1 of King et al.].

6. Claims 2, 4-5, 7-9, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al. for the same reasons that were set forth above for claim 1. Additionally:

A) With respect to claim 2:

e.g., Note: lines 30-50 in column 6 of King et al; and lines 62-66 in column 2 of Purnaveja et al.

B) With respect to claim 4:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al. (the examiner maintains that the recited "clip" terminology is undefined by the claim and broadly reads on the "main" stream of the prior art)

C) With respect to claim 5:

In the modified system of King et al, any selected frame can be annotated (including the first). Thus, the recitation of the "first" frame is considered little more than a recitation of intended use (i.e., it lacks criticality).

D) With respect to claim 7:

The examiner takes Official Notice that it was notoriously well known in the art for storage devices (i.e., disk drives) to have comprised a plurality of storage mediums. The examiner maintains that it would have been obvious to one of ordinary skill in the art for the required storage device in the modified system of King et al to have comprised such a conventional configuration. The recited "dividing" broadly reads on the storing of respective "files" in successive recording and annotating procedures.

E) With respect to claim 8:

The recording processes in the modified system of King et al must necessarily be terminated, i.e., "together", at some point in time for the respective files to be generated as described (e.g., additionally the modified system would be inoperative if a single recording procedure went on forever).

F) With respect to claim 9:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be of a different/lower sampling rate.

G) With respect to claim 26:

The display of the modified system of King et al clearly indicates/conveys to the operator that the main information is in the paused state when annotations are to be entered (e.g., the image stops moving).

H) With respect to claim 29:

The modified system of King et al enables different users to annotate the movie with respective user identifiable comments (e.g., note lines 37-59 of King et al).

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al. , and further view of US Patent Document #2002/0164149 to Wilkinson and US Patent Document #2002/0089519 to Betz et al, for the same reasons that were set forth above for claim 1, in further view of US Patent Document #2004/0216173 to Horoszowski et al.

It would have been obvious to have modified the system disclosed by King et al in accordance with the teaching of Purnaveja et al. for the reasons set forth above with respect to claim 1. Horoszowski et al evidences that it was known/conventional/desirable to have stored the annotation files in such annotating system in an XML metadata file format [e.g., note paragraph 0065]. In view of the showing of Horoszowski et al, it would have been obvious to one of ordinary skill in the art to have stored the annotation files in the modified system of King et al in the conventional XML file format.

8. **Claims 6 and 36 avoid the art of record.**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter-Anthony Pappas, can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/
Primary Examiner, Art Unit 2481

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